

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

EILEEN LAMBERT,

Petitioner,

vs.

FORT PECK ASSINIBOINE &
SIOUX TRIBES,

Respondents.

CV-15-82-GF-BMM

ORDER

Petitioner Eileen Lambert (Lambert) filed a Petition on September 21, 2015, seeking a writ of habeas corpus under the Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301, *et seq.* (Doc. 1). Lambert is a tribal prisoner proceeding *pro se*.

United States Magistrate Judge John Johnston issued an Order on September 23, 2015, directing Lambert to show what steps she had taken to exhaust her claims within the tribal court system. (Doc. 2). Lambert filed a response on October 1, 2015. (Doc. 3).

Judge Johnston entered Findings and Recommendations in this matter on January 11, 2016. (Doc. 5). Judge Johnston recommended that the Court dismiss Lambert's Petition for failure to exhaust tribal remedies. (Doc. 5 at 6). Lambert did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

The Supreme Court has recognized a policy of promoting tribal self-government. Federal courts are discouraged from assuming jurisdiction over unexhausted claims. *Selam v. Warm Springs Tribal Correctional Facility*, 134 F.3d 948 (9th Cir. 1998) (citing *Three Affiliated Tribes of Ft. Berthold Reservations v. Wold Engr.*, 476 U.S. 877, 888 (1986)). Lambert has failed to demonstrate that she has exhausted tribal remedies. The Court should "stay its hand" until the Tribal Court has had a full opportunity to exercise its jurisdiction over Lambert's claims. *State v. A-1 Contractors*, 520 U.S. 438, 449 (1997).

Accordingly, IT IS ORDERED:

1. Lambert's Petition (Doc. 1) is DISMISSED for failure to exhaust tribal remedies.
2. The Clerk is directed to enter judgment accordingly.

DATED this 2nd day of February, 2016.



Brian Morris
United States District Court Judge